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March 12, 1996

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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Larry A. Silverstein
President

Re: Telecommunications Service - Inside Wiring.
Customer Premises Equipment, CS Docket No. 95-184

Dear Mr. Caton:

I am writing in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1996, regarding telephone and cable wiring inside buildings. As the President of Silverstein Properties, Inc., which owns and/or manages eight commercial buildings with over six million square feet of office space in New York City, I am concerned that any action by the FCC may inadvertently adversely affect the conduct of our business and needlessly raise important legal issues.

Access to Private Property

Modern telecommunications are critically important to our commercial tenants. No business can survive in today's economy without effective and up-to-date telecommunications services. For that reason, it is vital for us to ensure that our tenants receive all the services they desire at a reasonable cost. The commercial real estate business is fiercely competitive, and if we did not provide our tenants with access to the latest telecommunications services, we could not survive ourselves.

Government intervention, therefore, is not necessary to ensure that telecommunications service providers can serve our tenants. Such intervention could have the unintended effect of interfering with our ability to effectively manage our properties. Building owners and managers have a great many responsibilities that can only be met if their rights are preserved, including coordination among tenants and service providers; managing limited physical and riser space; ensuring the security of tenants and visitors; and compliance with safety codes. Needless regulation will not only harm our interests, but those of our tenants and the public at large.

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Mr. William F. Caton

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Regulation of Wiring/Access to Wiring

The FCC has requested comments on whether the convergence of cable and telephone technologies means that the current approaches to regulating inside wiring for the two technologies should be revised to reflect that convergence. For the most part, this strikes us as a technical issue that we need not address. We are concerned, however, that any such rules not impose any new obligations on building owners with respect to control of inside wiring. Ownership of inside wiring should remain a matter of private contract and state property law.

We are also concerned that the government might impose a huge new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. Except where safety is involved, amendments to the building and electrical codes are seldom retroactive.

We have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights to wiring should not extend beyond the limits of the demised premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of such wiring. We also believe that the owner of the premises should have a superseding right to acquire or install any wiring. In any case a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease. We must retain the right to control activities on our own property if need be.

Demarcation Point

The demarcation point should be determined by the nature of the property, located inside the premises in a commercial building in the telephone vault or frame room, and outside a resident's premises in an apartment building.

Thank you for your attention to our concerns.

Sincerely yours,

Larry A. Silverstein

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